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WASHINGTON DC 20007**

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In re Application of :
Hiroteru Tsuchiya :
Application No. 10/077,891 : **DECISION ON PETITION**
Filed: February 20, 2002 :
Attorney Docket No. 016907-1374 :

This is a decision on the petition, filed April 19, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

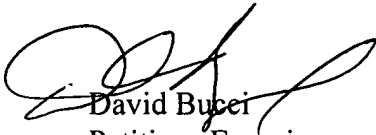
Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely reply to the Notice of Allowability mailed November 17, 2006, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on March 19, 2007 noting applicant's failure to file corrected drawings in response to the Notice of Allowability. The issue fee had been timely filed.

Petitioner asserts that no corrected drawings were required and that the Notice of Allowability was in error. Petitioner states that applicant had a telephone conversation with the examiner of record, Stephen Brinich and that the examiner confirmed the fact that corrected drawings were not required. The examiner faxed (informally) applicant an apparent corrected Notice of Allowability on December 6, 2006 indicating no corrected drawings were needed. This Notice was unsigned and indicated no response time.

Petitioner's arguments have been considered, but are not persuasive. Petitioner asserts that applicant was officially communicated by the Patent Office by faxed Notice of Allowability on December 6, 2006. However, the official written record does not support this. There is no evidence of record that shows a second Notice of Allowability or even an interview summary

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.



David Bucci
Petitions Examiner
Office of Petitions